IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.678 OF 2004

Basantidevi Goenka and Jaidayal Kanhaiyalal Goenka Charitable Trust & Ors.. Petitioners
V/s
The Maharashtra Housing and Area Development Authority & Ors. .. Respondents

Mr.N.Engineer i/b.Mr.Ashok Purohit for the Petitioners.
Mr.R.M.Sawant, Govt.Pleader for the Respondents.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 06.04.2005.

P.C.:

1. It is the case of the petitioners that the order dated September 15, 2003 has the effect of acquiring the property without giving them hearing. It is their further case that they had sought from Respondent No.1 a copy of the proposal made by the tenants. That has not been given to them. On behalf of the Respondents learned Government Pleader points out that till date there is no order. Before a final order is passed in terms of the law laid down by this Court, the owner must be given notice of hearing. It is only after the objections filed by the owner are heard that the final order can be passed. That stage has yet to reach.

2. Considering the above, this is not a fit case, at this stage, to exercise the extra ordinary jurisdiction of this Court. However, we direct the Respondent No.1 to make available to the petitioners a copy of the

representation made by the tenants and thereafter to follow the due procedure according to law. Petition disposed of accordingly.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)